

34.
R. Carkner - in-Ch.

U P O N R E S U M I N G :

THE COURT: Next witness for the Crown?

MS. EBERHARD: Thank you, Your Honour. It
will be Rachel Carkner.

RACHEL CARKNER: SWORN

THE COURT: You can stand or be seated,
however, you are more comfortable. Is there a
chair there? No. Do you prefer to be seated?

RACHEL CARKNER: Uh, sure, please.

THE COURT: You will have to keep your voice
up so everyone can hear you.

RACHEL CARKNER: Yes.

THE COURT: May I see the Information,
please, Madam Clerk? Thank you. Proceed.

MS. EBERHARD: Thank you.

EXAMINATION IN-CHIEF BY MS. EBERHARD:

Q. First of all, a little bit of
housekeeping. Ms. Carkner, did you go over a statement that
you gave today before court?

A. Yes, I did.

Q. And do you have statement on your person?
Do you have it...

A. Yes, I do.

Q. ...with you? Okay. Can we...

A. Yeah.

Q. ...have that back,...

A. Yeah.

Q. ...please? Thank you. Great. Ms.
Carkner, how old are you?

Prosecution Complainant Testimony: *Rachel Carkner-Cryderman*

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A. Twenty six.

live?
Q. Twenty six. And where do you currently

5 Road.
A. Uh, right now, I'm residing at 738 Chemong

Q. You'll have to speak up, please.

A. 738 Chemong Road.

Q. In Peterborough?

A. Yes.

10 Q. Okay. And are you married?

A. Uh, no.

Q. Children?

A. Uh, yes, I have four children.

Q. Okay. And there is an allegation before
this court which concerns you and I'm wondering if you can
15 tell us your story and start from the very beginning
concerning an allegation of assault.

A. Yes. Uh, February - so to start from the
day of the incident?

THE COURT: Yes, try to keep your voice up.

20 MS. EBERHARD: Q. Yes.

A. Uh, on February 10th, I went to the
warming room at 2 - I think it's 273 Murray Street to do
laundry and I was on the computer loading photos and I was
talking to a few people. Uh, next thing I knew I was being
25 pushed off a chair - ...

Q. Okay.

A. ...well, I was being pushed. Um, when I
pushed, I didn't fall off the chair but I did lose my balance
and I realized it was Andrea Armstrong - Ms. Armstrong that
30 was pushing me and, um, when she pushed me, I tried - tried
to get my balance. She then reached into my bag. I had a

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Not a
"gesture"
of
assault

Witness
No
wrist
proper
hand
she was
already
standing

bag that was sitting beside me. She reached into the bag to grab my wallet and my cell phone charger. Uh, I reached to grab her - like her arm 'cause she had grabbed a hold of my wrist and turned it. I reached with my other hand after I ⁵ was able to get my wrist loose to grab her hand to remove my property from her hand. Uh, she dropped my cell phone charger and my wallet back into my bag. I then got up and ran 'cause I was quite scared. I ran into the bathroom. When I got into the bathroom stall, I took my cell phone ¹⁰ charger and I put it on, um, - there was a pipe sticking out on the other side of the bathroom stall. I hung my cell phone charger on that pipe. Then I sat down on the toilet. I called 911. ^{What phone?} I explained that I'd been assaulted by Ms. Armstrong and the staff that worked at the warming room which ¹⁵ is where I was they were present with me. Uh, Tami was present with me at the time... (Office Phone)

Q. Okay.

A. ...that I was calling the police.

Q. Okay. Thank you. We're going to stop right there.

²⁰ A. Okay.

Q. We're going to go back to the beginning.

A. Uh-hmm.

Q. We're going to get a little bit more detail from you, okay?

²⁵ A. Okay.

Q. February 10th, that's 2000 and....

A. 2009.

Q. Nine. And you stated 273 Murray Street?

³⁰ A. I - I think that's the address. I'm not exactly sure.

Q. Okay.

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A. I just know it's - it was at the warming room. I'm not too sure of the exact address.

Q. All right. And the warming room is run by who or what organization? Do you know?

A. Um, I think Brock Mission runs it.

Q. Okay. And you were there doing laundry?

A. Yes, I was.

Q. All right. Were you there with anybody else? Did you...

A. Like I didn't....

Q. ...go....

A. I didn't bring anybody with me. I didn't bring a friend or anything with me. Like I was - I came by myself.

Q. All right. And can you describe the warming room to this court when you were sitting on the chair in front of the computer?

A. Yes. Uh, the warming room's downstairs so you come down a set of stairs and to the right, there's a doorway and, um, when you come inside that doorway, there's another doorway to the left which is the - the entrance to the actual warming room, itself. Um, when you come inside that entrance, there's a table here and there's another set of tables off to the left and there's two computers on those tables and off to the right where I explained, there was another table. Uh, there's a closed in area, almost like a - a cubicle, which is the office area to the warming room where staff sits. Um, then there's a large open area in the middle, uh, where there's tables, uh, set up where people eat and to the right of that area, there's a kitchen area where there's - where they cook food and prepare food and behind the sitting area where people eat, there's like a living room

"Crown
giving
testimony"

Enter
photo or
exhibit
as
evidence
Please?

area where there's couches and a T.V.

Q. Okay. How big is the area of the warming room - dimensions approximately?

A. I'm not sure. It's not....

Q. Would it be bigger than this...

A. It's actually....

Q. ...courtroom?

A. It's probably about the size of this courtroom, maybe, a little bit bigger.

Q. Okay. For the record,....

THE COURT: I will tell you in a moment. All right, it is 44 feet long, 25 feet wide.

MS. EBERHARD: Thank you, Your Honour. Q.

You stated that there's a staff sitting area. Did you observe when you were at the computer and just before you received the push, did you - did you observe anybody or any staff member sitting in that area?

A. Uh, yes, I did. Uh, one of the ladies that works there. Her name is Tami. Uh, she was over there. Um, I think she was on the telephone, uh, 'cause I was talking to her just before I went over to the computer 'cause I wanted to show her pictures of my children on the computer.

Q. Okay. And Tami's last name?

A. I'm - I'm - I'm not sure what her last name is.

Q. All right. And when you're sitting at the computer, do you have a clear view to see Tami?

A. Yes, I do.

Q. Did you observe other people to be in the room?

A. Yes. There was several other people in the room.

WITNESS'S
Not
called
Names
not
taken

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Q. Okay. And were they in fairly close proximity to you?

A. Uh, within - within a few feet, yes.

Q. Okay.

A. There were several people in the room.

Q. All right. Did you know any of those people?

A. Not - I - I knew staff. I know the staff that works there. Uh, other than that, I don't really know that many people there. Like I know their names but I don't know them.

Q. Okay. How long had you been sitting at the computer table before you felt a push?

A. Uh, approximately about 10 minutes.

Q. Okay. And what time of the day is it when you feel the push, approximately?

A. I'm not sure. It was around - around suppertime. I know that.

Q. All right. And describe to us what you felt when you felt the push?

A. I felt somebody pushing me really hard...

Q. Was....

A. ...from...

Q. Was it....

A. ... - from behind.

Q. With what part of the...

A. With their hands.

Q. ...person's body...

A. With their hands.

Q. ...did they push you?

A. With their - with two hands.

Q. Two hands?

Yes,
but they
hate
Rachel

Give
defendant
their
names

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A. Two hands, yes.

Q. And the person's hands connected on what part of your body?

5 A. My back.

Q. What part of your back?

A. I'd say upper - right up here.

Q. Did you see the person as they pushed you - pushed you back? (or your)

10 A. I couldn't see her face directly but I could - like, I mean, I could see her - like a side view kinda' of her.

Q. All right. With what force can you describe to this court did you feel that the push was...

A. With - with....

15 Q. ... - that the push had on your back?

A. With quite a force because it pushed me hard enough that I lost my balance and I almost fell off the chair.

Q. Did you fall off the chair?

20 A. No. I was able to put my - like put my foot down and catch my balance before I was - before I fell over.

Q. Okay. What happened immediately after you put your foot down and you caught yourself?

25 A. Uh, she reached - like she was grabbing with her hand to reach into my bag.

Q. And when you say, "she", you're...

A. It was - sorry.

Q. ...referring...

A. I'm sorry.

30 Q. ...to who?

A. Ms. Armstrong was reaching into my bag.

Tammy
Push
from
the
front
"chest"

Contradicts
notebook
not entered
as
evidence

That's when she grabbed my wallet and my cell phone charger out of my bag and, uh, she - she grabbed a hold of my wrist and twisted like - she - she was twisting my wrist and I - I don't know how I would say it. I turned - like turned my hand or turned my wrist in order to - to break free of her holding onto me and I reached with my other hand - my left hand to grab a hold of her wrist in which she had my wallet, my charger to - to try and get it from her, like to pull and that's when she dropped it back into my bag.

NO
EXTRICAT

Q. Okay. Now, you said it was Ms. Armstrong. Do you see Ms. Armstrong in court here today?

A. Yes, I do.

Q. Okay. And can you point to her?

A. She's right in front of me right there.

MS. EBERHARD: Okay. For the record, she's indicating the one person sitting at the defence counsel...

A. Yes.

MS. EBERHARD: ...table. Q. What is your relationship with Ms. Armstrong? Do you know - did you know her before February 10th, 2009?

A. Yes. Yes, I did.

Q. Okay. What - how would you describe your relationship with her?

A. Um, I don't know. We're - we're acquaintances, I guess. Like I don't know - really know her that well, um, but we did talk.

Q. When did you first meet her?

A. I don't know exactly when it was but it was several years ago. My - my children go to daycare at Northview Day School and her daughter used to attend Northview Day School so we first met running into each other

Court
ordered
visitation
@
Daycare

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at daycare, um, several years ago when her daughter was in
daycare there and I didn't see her for several years and I
ran into her at a funeral back in December. Uh, a friend of
mine, her daughter died and I ran into her then and we
started talking then.

Q. Okay. All right. Can you tell us exactly
how it was that your wrist was grabbed?

A. How it was that it was grabbed?

Q. Yes.

A. Um, well, it's kinda' hard to....

Q. First of all, which - which of your wrists
was....

A. It was my right wrist.

Q. Okay. And it was grabbed with what? Like
Ms. Armstrong....

A. Like - like - like she grabbed it like
with her hand.

Q. One hand or two hands?

A. Her - her one hand and she grabbed and
with her hand and was twisting my wrist but as she was
twisting, like her nails were digging into my wrist.

Q. Okay. And did that cause you pain?

A. It - it hurt.

Q. All right. And did that cause any injury
or lasting mark?

A. I did have, uh, nail marks on my wrist. I
think there was three nail marks. There was three nail
marks.

Q. All right. The nail marks, did that break
the skin?

A. No, it just left - like it just left marks
there from her - from the pressure.

No photo
evidence
entered.

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Q. Okay. Any other injuries sustained?

A. Uh, no.

Q. Okay. How long does it take - how long
does she grab your wrist for approximately?

5 A. Um, a few - few seconds - 20, 30 seconds,
maybe.

Q. Okay.

A. Maybe, less. It wasn't - wasn't very
long.

10 Q. What happens immediately after you break
free from her wrist hold?

A. I took my left hand and reached over to
grab her - her wrist, uh, so I could get a hold of my
belongings that - my cell phone charger and my wallet that
she had in her hand...

15 Q. Uh-hmm.

A. ...and when I grabbed her wrist, that's
when she dropped my belongings back into my bag.

Q. Okay. All right. Besides grabbing her
wrist in order to get your belongings back, did you at any
20 time intentionally apply force to Ms. Armstrong?

A. No.

Q. In other words, did you act aggressively
towards her at any point?

A. No, not - not in any point or any way did
25 I act aggressive.

Q. Okay. And did you at any point consent or
agree that she - she should touch you or push you, in any
way?

A. No, I didn't.

30 Q. Or grab your wrist?

A. No, I didn't.

"NO
extrication

NO
extrication

Green:
assault up
assault

Alleging to
Grab my
wrist
"not
aggressive

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Q. Okay. And this cell phone, is it yours?

A. It was my cell phone....

THE COURT: Cell phone charger?

MS. EBERHARD: The cell phone charger.

A. Yes.

MS. EBERHARD: Thank you.

A. Yes. Yes, it is.

MS. EBERHARD: Q. Okay. And where did you
buy it?

A. Sorry, where did I buy it? Um, the phone
- the phone - the cell phone charger comes with the phone in
the kit when you buy it. It comes altogether as one package.

Q. Okay. And where - where and when did you
buy that kit?

A. I bought it at Wal-Mart and, I believe, it
was in August.

Q. August, 2000 and....

A. I think it was in 2008 - yeah, it was in
2008.

Q. Okay. And have you ever had to borrow a
phone charger from Ms. Armstrong, at any point?

A. No.

Q. After the - the wallet and the cell phone
charger are dropped back into the bag, you leave to go to the
bathroom?

A. Yes, I ran into the washroom.

Q. Okay. And why did you do that?

A. 'Cause I was scared that she was gonna'
hurt me and my baby.

Q. Your baby?

A. Yeah, 'cause I was pregnant at the time.

Q. Okay. How many months pregnant were you?

Not
on
CAS
Report

R. Carkner - in-Ch.

A. I was 30 weeks.

Q. All right. And were you considered - did you consider yourself to be in good health, at that point?

A. No, I had just got out of the hospital the previous day. I was in the hospital for several weeks. I had kidney problems.

Q. And why is it that you put the cell phone charger on - on a pipe in the bathroom?

A. To keep it from her 'cause she was trying to take it from me.

Q. You dialled 911 and what happened after that?

A. I talked to the police on the phone and told them I had been assaulted. After I got off the phone with - after I hung up the phone with the police, um, - well, during the - my conversation with the police, the staff member, Tami, came in there to make sure I was okay and Mary Lou, the other staff member that worked there, was standing outside the door because Andrea was trying to get into the bathroom to come....

THE COURT: At least, that is what you were told?

A. I could hear her yelling.

THE COURT: Oh, all right. Carry on.

MS. EBERHARD: Q. You could hear...

A. I couldn't hear....

Q. ...Ms. Armstrong yelling?

A. I couldn't hear what she was saying but I could hear her yelling...

Q. Okay.

A. ...and she asked me if - Tami asked me if I was okay after I hung up the phone with the police. I

DID
NOT
TAKE
her to
the
bathroom
Tami came
in after
I ASKED
her to.
DID NOT
Escort
or
Extricate
to
bathroom

No
yelling.

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Did NOT
mention
pregnancy
to
CAS

1 said, "Yes, I think I'm okay. I'm just more concerned
regarding my pregnancy." She said to me that I should go
into the office so I can wait for the police and they can
make sure I'm okay, so I left the bathroom and I went into
5 the office area of the warming room and sat with the staff to
wait for the police to get there.

Q. What happened when the police arrived?

A. I went and talked to Constable Hatton. I
went out into the hallway and talked to Constable Hatton to
10 give him my statement.

Q. Okay. All right. Thank you. I have no
further questions.

15 THE COURT: You mentioned that a few years
went by and then you met her again at a
funeral.

A. Yes, I did.

THE COURT: Now, how long ago was that?

A. Was the funeral?

THE COURT: Yes.

A. The funeral was in December.

20 THE COURT: December?

A. Yeah.

THE COURT: Now, did you see - did you see
Ms. Armstrong intermittently after that up to
the day of this...

25 A. Yes, I did.

THE COURT: ...occurrence? Where and when
would you have seen her? Say, working back
now from February 10th,...

A. Uh-hmm.

30 THE COURT: ...what was the time prior to
that?

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truth

*LEADING
?*

A. I saw her, um, in December. I....

THE COURT: In December?

A. In December, yes, like....

THE COURT: You did not see her in February?

A. I - yes, I saw her in February. I was -
sorry, you didn't - you want me to tell when I....

THE COURT: February 10th, did you see her -
now, we are moving...

A. Prior to February 10th?

THE COURT: ...back in time.

A. I saw her - the last time I saw her prior
to February 10th was January 14th.

THE COURT: January 14th?

A. Yes.

THE COURT: Had there been a discussion of
any sort about your cell phone charger?

A. Uh, yes, there...

THE COURT: When....

A. ...had.

THE COURT: When had that taken place?

A. Uh, well, we had - it had taken place in -
in conversation over the phone as well as text messaging.

THE COURT: Oh, I see. So...

A. And....

THE COURT: ...the two of you had been in
touch through text messaging and over the
phone?

A. Yes.

THE COURT: Had the two of you ever shared a
cell phone charger at any time?

A. Had we ever shared one? No.

THE COURT: Have you any idea where this idea

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comes from - from her about the cell phone charger?

A. Because her daughter and I both have the same cell phone. Therefore, we both have the same cell phone charger and when I was at her house babysitting for her, the chargers got mixed up. I had her daughter's charger - or like her daughter had my charger and I - like the chargers were mixed up...

Admits Posses
No
Evidence
it
was
Return

THE COURT: Yes.

A. ...so we had to do an exchange to get - like even though the cell phones - for the - it's for the same cell phone and it's the exact same charger, the chargers were mixed up, so we had to switch them.

THE COURT: So when did the switch take place?

A. It was either the 15th or 16th of January. I'm not sure of the exact date but it was...

THE COURT: And...

A. ...the 15th or 16th.

THE COURT: ...you exchanged it with the daughter?

A. No, I left it in the mailbox - her neighbour's mailbox...

THE COURT: Yes.

A. ...and my cell phone charger was in there so I put the charger in there and I took my cell phone charger.

~~the~~
PERJURY

THE COURT: So you do not know whether she actually got her own charger back then?

A. No, 'cause I never spoke with her after

PERJURY
Text
Message
Evidence

that.

THE COURT: I see. So there certainly exists

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the possibility that she never got her own
charger back, that someone else may have...

A. There....

THE COURT: ...taken it?

A. There is possibility but she knew that it
was gonna' be exchanged and it was gonna' be there, so
I'm....

No
eviden'

THE COURT: I see. All right. Now, then
there were text messages after that about her not getting her
cell phone charger back?

Perjury

A. After - after that date, no. After the -
the....

THE COURT: After....

A. Oh, sorry, after then? After I had...

THE COURT: Uh-hmm.

A. ... - we exchanged it, yes, there was.

THE COURT: So she was asserting that she'd
never got it back?

A. Yeah, she started messaging me like late
hours of the morning accusing me of stealing her daughter's
cell phone charger.

DENIES
3 WEEK
of tax
incl.
"CANCEL"
Text
that
proves
no
"drop-
off"

THE COURT: So when her hand went into your
bag, you knew what she was after?

A. Pardon?

THE COURT: When her hand went down into your
bag beside you, you had a pretty good idea...

A. Yes.

THE COURT: ...of what she was after?

A. Yes.

THE COURT: Okay. Cross-examination?

CROSS-EXAMINATION BY ANDREA ARMSTRONG:

Q. Ms. Carkner, are you employed?

A. Pardon?

Q. Are you employed at the moment?

A. No, I'm not. I'm on maternity leave.

Q. How many jobs have ya' had in the past?

A. How many jobs have I had in the past? I
don't know exact. I've had several jobs.

Q. More than 10?

A. More than 10? In the last, what,.

Q. Five years.

A. ...my whole life?

Q. Five years.

A. In the last five years, no.

Q. And what is your education level?

A. I'm sorry?

Q. What is your education level?

A. High school.

Q. You've graduated grade 12?

A. Yes.

Q. Have you ever testified in court before?

A. Have I ever testified in court before?

No.

Q. In Family Court?

A. In Family Court?

Q. Yeah. Any court?

A. I've never testified.

Q. Have ya' ever been accused of lying under
oath or making false accusations against people in the past,
specifically, in this courthouse?

A. Repeat the question, please.

Q. Have you ever been accused of lying under

Alleged
victim
claims \$
~~CH~~
BACK (not)
host

GRADUATED
GRADE
12.?

I've NEVER
testified.
?

Past false
accusations

oath or making false accusations...

A. No.

Q. ...against people in the past in this
courthouse?

A. No.

Q. Okay. I might be bringing that up later.

There is a witness in the courthouse I can...

A. You're asking if I ever lied...

Q. ...find for that.

A. ...under oath....

Q. That's fine.

A. And if I'd never testified in a court,
I've never testified under oath, so I don't know how that
would be possible.

Q. I also asked you if you'd made false
accusations against other people.

A. You asked me if I testified in court under
oath and made false accusations against anybody and I have
not.

Q. They were...

A. I don't....

Q. ...two separate questions.

A. I don't understand what that has to do..

THE COURT: Yes.

A. ...with this case. It has nothing to do
with this case.

ANDREA ARMSTRONG: Q. They were two separate
questions.

A. It has nothing to do with this case, Your
Honour.

THE COURT: I will decide. I, unfortunately,
have to give wider latitude to the

NOT made
false accusi

defendant...

A. I understand.

THE COURT: ...because she does not have a lawyer.

A. I understand.

ANDREA ARMSTRONG: Q. Would you be willing to submit to the polygraph in this situation?

A. Yes.

Q. On your statement to police, you gave them an address of 148 Park Street and I have been banned from attending this address. When did you live there?

A. I never moved in there 'cause I ended up in the hospital for six weeks after you assaulted me 'cause I was so sick. Can't move into a place if I'm in the hospital sick.

Q. Isn't it true that the lady held the - the unit open for you for two months and that you, um, had the cheque that was expecting, um, cancelled so that she was screwed out of two months worth of rent?

THE COURT: That is irrelevant. I won't...

ANDREA ARMSTRONG: Okay.

THE COURT: ...allow her to answer that question.

ANDREA ARMSTRONG: Q. Um, how did you expect the police officer to - to subpoena you when you were giving them a false address that you didn't live at?

A. I didn't give him a false address because I got the cheque from Ontario Works to pay the landlord and then you assaulted me and I ended up in the hospital, so I was...

Q. You did not...

A. ...transferred.

Never moved
in because
you assaulted
me. "PERTURY

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Q. ...end up in the hospital...
A. I was in the Kingston Hospital.
Q. ...because of me...
A. I was in...
Q. ...so...

*POLICE testified
she did not
(P.29)*

THE COURT: Any idea...

ANDREA ARMSTRONG: Q. ...don't insinuate

that.

THE COURT: ...how the police knew where -
where to find you to subpoena you once you
were in hospital? Do you recall?

A. I kept in touch with the police...

Perjury

THE COURT: Oh, did you? Okay.

A. And I - I actually phoned Officer Hatton
when I was in the hospital.

THE COURT: All right. Thank you.

ANDREA ARMSTRONG: Q. Are you homeless at

the moment...

A. At the moment, I'm in a....

Q. ...or living in a women's shelter?

A. I'm in a women's shelter but I'm moving
into my new house tomorrow.

Q. And how long has it been since you've had
a permanent place to live?

A. I don't know the exact....

Q. How many months?

MS. EBERHARD: Your Honour, please....

ANDREA ARMSTRONG: Q. 'Cause you - well, you
were homeless...

THE COURT: Yes.

ANDREA ARMSTRONG: Q. ...in December.

A. It's been a few months...

Q. You were homeless in December.

A ...'cause I've been in the hospital.

Q. Have you been homeless since December?

A. Have I been homeless since December?

Q. Since December when I knew that you were
homeless and staying at the women's shelter?

A. Yes.

MS. EBERHARD: Your Honour, there's no
relevance.

THE COURT: I am not going to allow that
question. That is irrelevant. Carry on.

ANDREA ARMSTRONG: Okay. Q. You state that
you babysat for me around January the 14th?

A. Yes.

Q. Could you be more specific about the date
and the times that you were babysitting?

A. It was January 14th. I don't know the
exact time I arrived at your house.

Q. Bear with me. I have absolutely no text
messages. The 13th, "Are you around? I am broke to buy
another charger." You didn't get back to me. No discussion
about you babysitting for me. Another text message....

THE COURT: This is something that you would
be providing in your testimony. You cannot
just simply be reading this stuff into the
record.

ANDREA ARMSTRONG: Yeah, well, these are test
- this is evidence that...

THE COURT: Well,...

ANDREA ARMSTRONG: ...I'm using referring
from...

THE COURT: ...it will be something you will

be able to provide in your own testimony.

ANDREA ARMSTRONG: Sorry?

THE COURT: It is something that you will be
able to provide when you testify, if and when.

ANDREA ARMSTRONG: I'm not testifying.

THE COURT: Oh, you are not required to
testify but you - if you are going to be
putting that stuff in, you are going to have
to put it in yourself somehow.

ANDREA ARMSTRONG: Okay. Yeah. Q. Okay,
what I'm saying here is on the 14th, where was I, supposedly,
going when you babysat?

A. You didn't tell me.

Q. And how long...

A. You said you had things....

Q. ...did you babysat me(sic) for? *PERJURY-
Chelsea
home
babysitting
- went to meditation
for 1 hr.*

A. You had - you said you had things to do
a couple hours.

Q. And - okay, a couple of hours. And which
children did you take of?

A. Sorry?

Q. Which children did you take care of
that...

A. Your....

Q. ...night?

A. Your daughter.

Q. One or two of them?

A. Your daughter, Ash - Ash - Ashley or

Ashlyn, whatever her name is.

Q. Just Ashlyn, eh?

A. Ashlyn.

Q. And then, um, - on the 15th, I'm asking

*Claims to have
babysat "several"
times. Does
not even know
my child's
name.*

you, again, my - my - the text messages I have here do not
reflect that you babysat for me. I've got other text
messages around here that reflect me babysitting for other
people and stuff like that but nothing from her, okay? And
5 then...

THE COURT: Just ask a question.

ANDREA ARMSTRONG: Q. ...back on the 15th -
on the 12th, I was sure I had a text message - oh, here it
is. In - on the 12th, you claimed that you were in a shelter
10 in text - in, uh, Cobourg, okay, and then there's...

THE COURT: I am sorry,...

ANDREA ARMSTRONG: Q. ...two times after
that....

THE COURT: ...this - this type....

15 A. This is ridiculous.

THE COURT: Would you stop for a moment?

ANDREA ARMSTRONG: Okay, sorry.

THE COURT: This text that you are referring
to is that from her or from you?

20 ANDREA ARMSTRONG: Okay, this text message -
I found the text message. That is of
importance and I will read it now, okay?

THE COURT: Well,...

ANDREA ARMSTRONG: It is a text...

THE COURT: ...from whom?

25 A. This is ridiculous.

ANDREA ARMSTRONG: ...message from her.

THE COURT: Just - okay.

ANDREA ARMSTRONG: From her. Okay? It is
January the 17th '09 at 12:24, lunch timish
30 and it's in Eastern Standard Time, official
Telus - official copy of a Telus thing and I

5 have said to, um, Rachel or my daughter has
text messaged Rachel and it says, "I need my
phone charger now. You may as well just pay
for another one if you're not gonna' give it
back. Haven't had a phone in three weeks."
Then, again, she's asking - um, later on, we
got another message on the 17th. This is
10 Rachel getting back to me. "I have no money
and I can't help it if I keep ending up in the
hospital. I'm in such and such a hospital."
She said - I think it was St. Mike's. The
Telus lady out in the hallway has the full
messages if you want those. Um, "so it is
long distance for me."

15 A. This is ridiculous. It has nothing to do
with her so....

THE COURT: Just - no, no. Do not talk.

ANDREA ARMSTRONG: Okay? And then the next
text message goes on....

20 THE COURT: Well, why do you not bring it up
and hand it to her and let her read it,
herself. If you bring it up, she has to see
this. Bring it up.

ANDREA ARMSTRONG: Glad to.

25 THE COURT: You cannot just sit back there
and read stuff into - into the record without
presenting it to the witness.

ANDREA ARMSTRONG: Q. And the - the rest of
the next message that was on that, um, is, "I'm not supposed
to have my phone on in here," indicating she's at a hospital.
30 I believe she said St. Mike's and then I texted her back.

A. Okay, I'm not understanding 'cause my

phone number is not on this anywhere, so I'm not understanding.

ANDREA ARMSTRONG: Q. Well, I can call....

Telus
Texts

THE COURT: Just a moment.

ANDREA ARMSTRONG: Q. The Telus lady has the official documents out there.

A. My phone number's not on there anywhere.

It's a totally different phone number.

Q. I do have a thing...

A. Like here's her....

Q. ...that matches up...

A. Here's her....

Q. ...with them here....

THE COURT: Just - would you be quiet for a moment, please.

A. That's her messages there and then there's this number there. That's not my phone number so I don't know what that's about. Like, uh, it doesn't show any phone number or nothing. It just says third party. It doesn't say my number there anywhere.

Requesting to
admit TELUS
text
messages

THE COURT: Right. We will just simply put it in as an exhibit - exhibit one.

ANDREA ARMSTRONG: Should I bring in Telus so she can give...

THE COURT: No, not....

ANDREA ARMSTRONG: ...you the full document?

THE COURT: You do that later.

ANDREA ARMSTRONG: Okay.

A. This has nothing to do with her assaulting me, whatsoever.

ANDREA ARMSTRONG: Q. It has to do with the statement that you made.

A. Has nothing to do with you assaulting me.

THE COURT: Okay.

5 ANDREA ARMSTRONG: Q. Okay, so then I'm
texting you back saying, "Texts don't...

THE COURT: Why....

ANDREA ARMSTRONG: Q. ...charge long
distance."

10 THE COURT: Why do you not just file them.
You are going to have someone who will come
and interpret these. Just file them as
exhibits. You will be able to call that
person later.

ANDREA ARMSTRONG: Okay, how can I continue
15 with the questioning if I don't have these to go by for line
by line?

THE COURT: Well, you can just simply ask her
questions about what happened and....

ANDREA ARMSTRONG: Okay, I could do that.
Okay, fine.

THE COURT: Okay.

20 ANDREA ARMSTRONG: Q. How could you have
babysat for me on the 14th if I have a text message here
stating that you, um, haven't been in town for one thing and
then you're saying, "I have a cancerous tumour in my small
intestine. I'm having surgery Tuesday afternoon," and then
25 I'm saying back to Rachel, "That sucks. How did they find
it? They still haven't figured out my abdominal issues."
What hospital," that was my stuff. Now, this is Rachel back
to me, "St. Mike's. An ultrasound weeks ago. They did a
biopsy...

30 A. Am I gonna' be asked a question?

Q. ...and my results came back last T

*Rachel threatened
about P's
re: false
statement*

Um, then someone else, a lady named Alayna who I know through her...

THE COURT: Well,...

ANDREA ARMSTRONG: Q. ...had called!

A. Oh, God.

THE COURT: ...I am not interested in...

ANDREA ARMSTRONG: Okay.

THE COURT: ...what....

ANDREA ARMSTRONG: Anyway, we're saying again....

THE COURT: Stop for a moment.

ANDREA ARMSTRONG: On the 18th,....

THE COURT: I am only interested in exchanges between you and her and I am not interested in, the least, what some third party may have said.

ANDREA ARMSTRONG: Okay. Q. How could you have babysat for me on the 14th if you were so sick in the hospital on January 17th and if on the 18th, my kid is still asking for her phone charger?

A. 'Cause I got out of the hospital....

THE COURT: That is two questions.

A. I got out of the hospital and I was out for a couple days and then I went back in the hospital...

ANDREA ARMSTRONG: Q. And why did....

A. ...and it was - can I finish, please?

THE COURT: Let her finish.

A. Thank you. It was in between when I got out of the hospital and I ended up back in the hospital because I was so sick that you asked me to babysit.

ANDREA ARMSTRONG: Q. Okay. What's another

? Huh?
so sick that
you asked me
to babysit

question I can get onto? What events were we celebrating or memorializing that January the 14th?

A. Sorry?

Q. That was a special day in our family...

A. I'm not sure. You never....

Q. ...and I'm wondering....

A. You never....

Q. ...you - if you were in our home, you would have known what those celebrations...

A. You...

Q. ...were.

A. ...never told me, so how would I know

Q. Everybody knew what those special celebrations meant to us.

THE COURT: Well,....

ANDREA ARMSTRONG: Q. Anyway, you didn't know so you weren't in the house. Um, who did I tell you was an emergency contact if there were any issues...

A. Who did I tell....

Q. ...when you were babysitting that one time?

A. Your ex-husband.

Q. My ex-husband was going out with me that night.

A. No, this was a completely different night. Which night are you talking about? I babysat for you two different nights.

Q. No, you didn't. It was one night.

A. You - you were talking about January 14th. Now, you're going back to a different date.

Q. I'm - January 14th, you did not...

A. You were just...

Should be
singular
NOT
plural
(Chelsea's Dad's
death)

Q. ...babysit for me.

A. ...talking about January 14.

THE COURT: You will be able....

A. You just...

ANDREA ARMSTRONG: Q. I am discussing...

A ...said January 14th.

Q. ...December 26th...

THE COURT: Okay, let's....

ANDREA ARMSTRONG: Q. ...the one time.

A. Okay, well, you didn't say that. You didn't say that.

THE COURT: Everybody be quiet. The reporter cannot pick up arguments. The person who is cross-examining must not argue with the witness but, merely, ask questions, otherwise, we will have fist accounts in court if we - if the court allowed this sort of thing all the time, nothing would ever get settled. Now, just ask questions. I'm giving...

ANDREA ARMSTRONG: Q. The night when you babysat....

THE COURT: ...you much more latitude than I would ever allow a lawyer. You understand that, do you not,...

ANDREA ARMSTRONG: I do. I'm sorry.

THE COURT: ...Ms. Armstrong? I would be upgrading a lawyer. I would go up and down his back for the kind of questions that you were asking and the arguments that you are provoking. Now, just....

ANDREA ARMSTRONG: Okay, I'll...

THE COURT: ...ask...

Perjury

ANDREA ARMSTRONG: ...re-word.

THE COURT: ...questions.

ANDREA ARMSTRONG: ...the question. I'll re-word the question. Q. Who did I tell you was

an emergency contact the night of December 26th, Boxing Day, when you babysat for me?

A. You told me your ex-husband.

Q. He was going with me to Toronto, so he wasn't.

THE COURT: Well,...

A. You asked me a question.

THE COURT: ...you will....

ANDREA ARMSTRONG: Q. Okay, nonetheless....

A. I'm giving you an answer.

ANDREA ARMSTRONG: Q. Nonetheless....

THE COURT: You will be able to...

ANDREA ARMSTRONG: Okay.

THE COURT: ...contradict her in your own testimony...

ANDREA ARMSTRONG: Yeah, that's fine.

THE COURT: ...if you choose to testify.

ANDREA ARMSTRONG: Q. Why did you need to take Chelsea's phone charger if you, supposedly, have your own charger?

A. I didn't take Chelsea's phone charger. Like I said, there was a mixup with the cell phone chargers and we both had our cell phone chargers there.

Q. And that's why I have text messages with you texting someone saying that your phone's dead and...

A. Are you gonna' asking me a question?

Q. ...and that you needed to get to my place to charge it 'cause you don't...

*Lawyers
can
contradict
on
question
forcing
testify*

THE COURT: How would....

ANDREA ARMSTRONG: Q. ...have a charger?

THE COURT: How would she know that?

A. Are you gonna' ask me a question?

ANDREA ARMSTRONG: Nonetheless.

THE COURT: Don't....

ANDREA ARMSTRONG: Q. Do you...

THE COURT: Don't you get into it.

ANDREA ARMSTRONG: Q. ...have any sign-in

10 sheets from the shelters to prove that you even in
Peterborough on January the 14th considering...

A. Sign-in sheets from the shelter.

Q. ...you were in Cobourg on January 12th?

A. I never sign any sign-in sheets so I don't
15 know what you're talking about.

Q. So you can't provide that? You have
nothing to prove you're actually in town on January 14th?
Did you take the bus to my house or did you drive?

A. I took the bus.

20 Q. And do you know what bus you took to my
house?

MS. EBERHARD: Your Honour, I'm sorry, but
this is...

A. This is - this is just ridiculous.

MS. EBERHARD: ...completely irrelevant.

25 ANDREA ARMSTRONG: Q. Okay. Anyway, it goes
in with her statements that she has made that are not
correct. Why did you not claim that you have returned the
cell phone charger until February 10th when I threatened you
with police action?

30 A. You threatened....

Q. Why did you not mention it in January?

Never signs a
Sign-in sheet
for Shelter?
Lie?

A. You threatened me on the text messages that you were gonna' call the police and I said, "Go ahead and call the police because I don't have the cell phone charger," and I said, "I welcome you to call the police," so why didn't you call the police?

Q. I did.

THE COURT: Okay.

A. Instead you came and assaulted me.

ANDREA ARMSTRONG: Q. I did. I text messaged a police officer earlier that day.

THE COURT: Okay, you....

A. Oh, you text messaged a cop? Oh, that's good.

THE COURT: Your next question?

ANDREA ARMSTRONG: Q. How did we make the plans to allegedly return the phone charger?

A. How did we make the plans to return the phone charger?

Q. Yeah.

A. On the phone.

Q. Through the text messages?

A. On the phone.

Q. Through phone?

A. On the phone.

Q. And do you have any phone records to prove you spoke with me on those days?

A. No, because my cell phone's prepaid so I can't get phone records...

Q. Uh, these are...

A. ...unless I pay for 'em.

Q. ...all from prepaid. Everything's available.

↑
contact poli
NOT
assault h

LIE

R. Carkner - cr-Ex.

A. Yeah, ya' have to pay for it.

Q. And I had to pay for it.

A. Well, good for you.

Q. Yeah, so...

THE COURT: All right. That is....

Q. ...my kid can't go to Girl Guide...

THE COURT: That is enough...

ANDREA ARMSTRONG: Q. ...Camp.

THE COURT: ...bickering.

A. This is ridiculous.

THE COURT: Your next question, please?

ANDREA ARMSTRONG: Q. Um, where is your scar
from the cancerous surgery that you stated you were having...

THE COURT: Oh, I guess, you are....

ANDREA ARMSTRONG: Q. ...that made you not be
able to...

THE COURT: I guess, you are going to...

ANDREA ARMSTRONG: Q. ...attend?

THE COURT: ...want her to produce that
court?

A. This is ridiculous. This has nothi

THE COURT: That is...

A. ...to do with her assaulting me.

THE COURT: ...quite irrelevant. Carry on.

ANDREA ARMSTRONG: Q. Well, if - if...

THE COURT: Now,....

ANDREA ARMSTRONG: Q. ...you were deathly
ill, how were you able to drop off the phone charger?

A. Like I already stated earlier in your 1:
question, it was in between when I was in the hospital and
got out of the hospital again.

Q. Isn't it true that you made up this who:

Wasn't
worth ~~the~~
paying for
text messages
to prove HER
side.

Re: Text
message
stating
she had
cancer.
LIE

text state
she was
cobourg sh
not
hospital

story of assault to avoid returning a stolen item?

A. No, I didn't. You assaulted me and you know you assaulted me.

5 Q. Isn't it true that you also used the excuse in January not to return the charger because your mother had a heart attack?

A. My mom did have a heart attack.

Q. Do you have any evidence of that?

10 A. Uh, I didn't realize I was gonna' have to bring evidence of my mom having a heart attack for you assaulting me.

Q. It was on the Crown disclosure. They just didn't think you needed it.

A. Well, I'm not the one on trial.

15 THE COURT: Never....

ANDREA ARMSTRONG: Q. What part of my body did I use to allegedly attack you?

A. Your hands.

Q. Both hands? And at what...

A. Both hands.

20 Q. ...part of my body did they hit you?

A. Both hands on my back.

Q. On your back?

A. Yeah.

Q. And I pushed you forward, sideways - how?

25 A. You pushed me forwards.

Q. Forward.

A. I was sitting on a chair. You came up from behind, pushed me forwards.

30 Q. Okay. And did I not speak to you while you were at the computer desk?

A. Did you not speak to me?

*u
Pushed
me
forwards*

Q. Yes, did you not...

A. Well, I don't...

Q. ...hear me speak to you?

A. ...recall any speaking. I recall a lot of
5 screaming and yelling, yes.

Q. Isn't it true that I came in and I said to
you, "Nice hospital you're in," because you told me you were
in the hospital that day and...

A. 'Cause I got outta'...

Q. ...couldn't return...

A. ...the hospital...

Q. ...the phone charger.

A. ...the day before.

Q. Do you have records for that?

A. I'm not the one on trial here and this has
15 nothing to do with you assaulting me.

Q. Yes, it does because I was after...

A. Are you gonna' ...

Q. You were in possession....

A. ...ask me a question?

THE COURT: No, just a moment.

A. Are you gonna' argue with me?

THE COURT: Now, you are starting to argue
with the witness again.

ANDREA ARMSTRONG: Well, I told you I
needed...

THE COURT: Well,....

ANDREA ARMSTRONG: ...a counsel.

THE COURT: I am giving a great deal more
latitude than I would ever allow lawyers...

ANDREA ARMSTRONG: Okay. I'd like...

THE COURT: Carry on.

...an stolen
item you
stole
...of stolen
property

* lead before trial
by Crown?

[Rowbottom]

but gives
no
guidance.
CONSTANTLY
Reiterates
"you assaulted
me" DEFLECT
attention
from false
statement

ANDREA ARMSTRONG: ...to do a bit of....

THE COURT: Just ask questions.

ANDREA ARMSTRONG: Q. I'd like to do a bit
of demonstration, okay? I was bent over like this going into
5 your bag. Have you usually felt...

THE COURT: But....

ANDREA ARMSTRONG: Q. ...threatened by
people...

THE COURT: If....

ANDREA ARMSTRONG: Q. ...when they're bent...

THE COURT: Now, if....

ANDREA ARMSTRONG: Q. ...over in that...

A. Oh, my God.

Q. ...vulnerable position?

THE COURT: You are now giving testimony.

A. You bent over into my bag...

THE COURT: Just a moment.

A. ...after you assaulted...

THE COURT: Just do not....

A. ...me.

THE COURT: Do not answer that. If you are
going to demonstrate stuff like that, you do
it in your testimony and that moment has not
arrived yet. Have you any other questions of
this witness because I am about to free her if
you do not start asking relevant questions?

ANDREA ARMSTRONG: Q. Isn't it true that you
first made physical contact with me while you were trying to
get to your bag?

A. I made physical contact with you after you
30 had already assaulted - assaulted me to get my belongings
back outta' your hand after you assaulted me.

witnesses claimed
NOT in my hand.

Q. Are you capable of holding a cell phone charger, a wallet and a bag all in one hand?

A. That's not my statement.

Q. Yes, it is your statement. You stated....

5 A. That cell phone charger and my wallet, not my bag.

Q. Why would you not hide the wallet when you hid the phone charger since you're claiming...

A. 'Cause my wallet...

10 Q. ...I went through your wallet, as well.

A. ...was still in my - my wallet was still in my hand.

Q. Well, why couldn't...

A. Because you were yelling about....

15 Q. ...your cell phone charger still be in your hand?

A. You were yelling about a cell phone charger and you assaulted me over it, so I figured that you were gonna' try and take it...

Q. But...

20 A. ...from me again.

Q. ...you claimed I was going through your wallet, as well,...

A. Yeah.

Q. ...so that means your...

25 A. I don't know why you grabbed my wallet.

Q. ...wallet felt threatened and if you were hiding one item, you shoulda' been hiding...

A. This is ridiculous.

Q. ...the second item.

30 THE COURT: She says she does not know

you grabbed the wallet. She is not sugg

~~Says she~~
Police statement
stole wallet
to get
her money

that...

ANDREA ARMSTRONG: 'Cause it didn't get grabbed.

THE COURT: ...that was what you were targeting. She just does not know.

ANDREA ARMSTRONG: Q. Is hiding a cell phone charger the actions of an honest person?

A. I hid it away from you and you went into the bathroom looking for it... *(no threatening if she was walking around freely while in the bathroom)*

Q. Yes, and it was found...

A. ...so it was your intent...

Q. ...right where I thought...

A. ...to steal it.

Q. ...it was. It was my intent to return it to my child.

THE COURT: Well, you will be able to give testimony...

A. Well, I guess,...

THE COURT: ...on that.

A. ...you shouldn't assaulted me to do it.

COURT REPORTER: Your Honour?

THE COURT: Yes.

COURT REPORTER: It's going to be very difficult to have a clear record when talking - more than one person talking at one time.

THE COURT: I know. I have been working hard on this, Madam Reporter.

ANDREA ARMSTRONG: Q. When you ran into the bathroom to hide the cell phone charger, were you not putting your pregnancy at more risk by precariously climbing up on a toilet and having to reach over a stall to hide a cell phone...

*Admission
of
theft?*

A. First of all,...

Q. ...charger.

5 A. ...I ran into the bathroom to get away
from you because you assaulted me and I was scared. Second
of all, no, it wasn't. I stepped - all I did was step with
one foot and I dropped it like this and it wrapped - it went
around a pipe.

10 Q. If you were so upset about this alleged
assault, why were you and Tami whispering and laughing
shortly after in the office area?

A. And would you know that we were doing
that? I....

Q. Because I was...

THE COURT: Where....

15 ANDREA ARMSTRONG: Q. ...standing over by
the....

THE COURT: Where....

A. We didn't - we weren't....

ANDREA ARMSTRONG: ...computer watching.

20 A. We weren't laughing and whispering.

THE COURT: Well, no, no, no, the answer
is....

A. I was crying so....

25 ANDREA ARMSTRONG: Q. Isn't it true that you
have lost custody of all of your children?

A. No.

THE COURT: That is not relevant.

A. What does that have to do with....

THE COURT: Do not answer.

ANDREA ARMSTRONG: Q. What were you doing

30 when you were at, um, Our Space when I first came in?

A. What I was doing? I was sitting at the

*Court tells
her not to
answer.
Speaks to
character.*

computer loading photos.

Q. Okay. Um, what site were you on?

A. Facebook.

Q. Do you think that the taxpayers would appreciate funding a drop-in centre?

THE COURT: That is not relevant.

ANDREA ARMSTRONG: Q. Pregnant....

A. This is ridiculous.

THE COURT: We are not going to have taxpayers...

ANDREA ARMSTRONG: Okay.

THE COURT: ...coming in here to complain.

ANDREA ARMSTRONG: Okay, I would like to be able to recall this witness in the future.

THE COURT: No, you won't. You ask your questions now. If you have run out of questions, it is done. You are out of questions? Apparently, you are. Any re-examination for the Crown?

MS. EBERHARD: No.

THE COURT: Thank you. Please, leave. Your next witness for the Crown?

MS. EBERHARD: Thank you. Tami Taylor.

...PAGING TAMI TAYLOR.

ANDREA ARMSTRONG: I think the witnesses should be separated because of the contradictory evidence.

THE COURT: Well, we will see. I am told that there is some indication that you and one of the witnesses were talking to each other

for you to
search
single
men
on-line

Recall
witness
REFUSED

Someone
pointed at
LORI & I
were speakin
because they
felt threaten

Removed from transcript: "for you to search for single men on line"

Carkner was searching for single men on Facebook and discussing the men with Mary Lou. It was not pics of her children she had on the screen. She is pregnant with her 4th child in 2009, she goes on to have a 5th (Mia) and a 6th [Elizabeth- as per a forum]. She is the town skank always trying to get pregnant for a better welfare cheque and child tax. She scams child tax for children she has lost custody of.

